

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **JOSE MIGUEL CARDONA ALONZO**  
SSN xxx-xx-3786

CASE NO: **18-06028-MCF**

Debtor(s)

**Chapter 13**

**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***

Total Agreed: **\$3,000.00**      Paid Pre-Petition: **\$630.00**      Outstanding (Through the Plan): **\$2,370.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

**Debtor's/s' Commitment Period:** ☒ Under Median Income 36 months    ☐ Above Median Income 60 months §1325(b)(1)(B)  
☐ The Trustee cannot determine debtor's/s' commitment period at this time.    Projected Disposable Income: **\$0.00**

**Liquidation Value: \$488.00    Estimated Priority Debt: \$204.66**

**If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$283.34**

With respect to the (amended) Plan date: **Jan 10, 2019 (Dkt 10)**      **Plan Base: \$8,200.00**

**The Trustee:**    ☐ **DOES NOT OBJECT**    ☒ **OBJECTS**    Plan Confirmation    Gen. Uns. Approx. Dist.: 12 %

**The Trustee objects to confirmation for the following reasons:**

**[1325(a)(1)] Self-employed Business Debtor - Failure to comply with her/his/their duties. [11 U.S.C.1302(b), 704(a)(2)-(7), and 704(a)(9)]**

Debtor has failed to submit an Oriental Bank account statement for September 2018. This si necessary to confirm income from self-employment. It should be noted that the statement of income and expenses submitted by Debtor states that he only received income in Augsut 2018. However, the bank statements reveal deposits in April, May, June, and August 2018.

**[1325(a)(4)] Plan fails Creditors Best Interest Test.**

Debtor must submit evidence of Shellpoint Mortgage Servicing Company's lien over property in Cond. Tiffany, Carolina. The Trustee has reviewed the claim filed by such entity and, it appears that the mortgage is not recorded in the Puerto Rico Property Registry. This matter must be confirmed in order to determine liquidation value and treatment that such creditor is to receive in this bankruptcy.

**[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]**

Sufficiency cannot be confirmed until the liquidation value is determined.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: January 28, 2019

/s/ Alexandra Rodriguez, Esq.